

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT JOSEPH MCCARTY,

Plaintiff(s),

vs.

JOHN V. ROOS, et al.,

Defendant(s).

Case No. 2:11-cv-1538-JCM-NJK

ORDER DENYING MOTION FOR
PREPAYMENT OF FEES

(Docket No. 255)

Pending before the Court is Plaintiff's motion for prepayment of various fees. Docket No. 255. Defendants filed a response in opposition and Plaintiff filed a reply. Docket Nos. 258, 262. Plaintiff's motion seeks prepayment of fees associated with, *inter alia*, hiring an investigator, witness fees for a forensic psychiatrist, and taking depositions. *See, e.g.*, Docket No. 255 at 2. Absent express congressional authorization, the Court cannot spend public funds on behalf of an indigent litigant. *See United States v. MacCollom*, 426 U.S. 317, 321 (1976). Plaintiff cites primarily to 28 U.S.C. § 1915 in support of this request, but that statute does not authorize the prepayment of such fees. *See, e.g., Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (holding that section 1915 does not permit the waiver of witness fees).¹ In short, Plaintiff has failed to present authority showing that the Court is authorized to grant the relief he seeks in his pending motion.

¹ Plaintiff also cites Federal Rule of Evidence 706, but that rule applies only to neutral experts and not experts to advocate on a party's behalf. *See Antonetti v. Skolnik*, 2013 WL 593407, *5 (D. Nev. Feb. 13, 2013) (denying request for appointment of an expert).

1 In light of the above, the motion for prepayment of fees is hereby **DENIED**.

2 IT IS SO ORDERED.

3 DATED: June 10, 2014

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6 NANCY J. KOPPE
7 United States Magistrate Judge
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